

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

United States of America,)	Cr. No.: 7:02-cr-00376
)	
)	
)	ORDER
)	(Written Opinion)
v.)	
)	
Joseph Mosley,)	
)	
Defendant.)	
_____)	

This matter comes before the Court on Defendant Mosley's Motion for Reduction of Sentence, filed on April 25, 2008. Defendant contends that the Court improperly applied the United States Sentencing Guidelines in issuing his sentence. For the reasons stated below, Defendant's motion is denied.

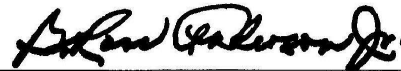
Plaintiff brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

The Court has reviewed all of Defendant's arguments and finds them to be without merit. The Court finds it properly applied the Sentencing Guidelines in configuring Defendant's sentence. The Court notes that the Fourth Circuit Court of Appeals determined the sentence "falls within the properly calculated guidelines range"

and affirmed the sentence on appeal. *Mosley v. United States*, No. 03-4170 (4th Cir. September 8, 2004). Moreover, this is the second motion to reduce filed by the defendant dealing with the same arguments. The Court has not changed its opinion and finds that it properly applied the Sentencing Guidelines. Therefore, Defendant's motion must be denied.

IT IS THEREFORE ORDERED that Defendant's Motion for Reduction of Sentence is hereby DENIED.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina
June 3, 2008

NOTICE OF RIGHT TO APPEAL

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Defendant has the right to appeal this Order within sixty (60) days from the date of its entry. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, **will waive the right to appeal.**